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7 United States of America  
8

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 IVAN MIRANDA-RIVERA,  
15 Defendant.

CASE NO. 2:20-CR-00242-KJM  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: November 7, 2022  
TIME: 9:00 a.m.  
COURT: Hon. Kimberly J. Mueller

16  
17 **STIPULATION**

18 Plaintiff United States of America (the “government”), by and through its counsel of record, and  
19 the defendant, by and through his counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on November 7, 2022.

21 2. By this stipulation, the parties now jointly request that the Court (i) vacate the status  
22 conference currently set for November 7, 2022, (ii) find that the defendant continues to be unavailable  
23 for trial within the meaning of the Speedy Trial Act, and (iii) exclude time for purpose of the Speedy  
24 Trial Act under Local Code M. *See* 18 U.S.C. § 3161(h)(3).

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) The defendant’s whereabouts are currently unknown to the government and to  
27 defense counsel, and he cannot presently be located.

28 ///

1           b)     There is an outstanding no-bail bench warrant to secure the defendant's  
2 appearance before the Court. *See* Pretrial Servs. Violation Pet., ECF No. 57.

3           c)     The government has exercised and will continue to exercise due diligence in  
4 attempting to locate the defendant and execute the pending bench warrant.

5           d)     Until the government determines the defendant's whereabouts and executes the  
6 pending bench warrant, the defendant is unavailable for trial for the purpose of computing time  
7 under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(3)(B).

8           e)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
9 et seq., within which trial must commence, the time period of November 7, 2022, until the date  
10 the defendant next appears before the Court in this matter, is deemed excludable pursuant to 18  
11 U.S.C. § 3161(h)(3)(A)–(B) [Local Code M] because it results from the unavailability of the  
12 defendant.

13       4.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
14 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
15 must commence.

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17       IT IS SO STIPULATED.

18  
19       Dated: November 3, 2022

PHILLIP A. TALBERT  
United States Attorney

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21       \_\_\_\_\_  
22       /s/ SAM STEFANKI  
SAM STEFANKI  
Assistant United States Attorney

23  
24       Dated: November 3, 2022

\_\_\_\_\_  
25       /s/ MEGAN HOPKINS  
MEGAN HOPKINS  
Counsel for Defendant  
26       IVAN MIRANDA-RIVERA

## **FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED this 4<sup>th</sup> day of November, 2022.

CHIEF UNITED STATES DISTRICT JUDGE